

DELEGATED REPORT

Report by Amanda

Date of report: 27/05/2022

Ref:68211/FUL

Uhunmwagho

Registration: 15/03/2022

LDfC: 22/04/2022

Expiry Date: 10/05/2022

Site Visit: 22/04/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Part single/Part two storey extension at rear and Front porch

Location: 2 Cherry Avenue, Bury, BL9 7NA

Description

The application property is a two storey semi-detached house with a small garden to the front and larger garden to the rear. There is a fence along the front boundary with pedestrian access only. There is on street parking available to the front of the site. Access to the rear of the property is via a path to the side of the dwelling. There are fences to all boundaries of the rear garden with planting adjacent to part of the boundaries in neighbouring gardens.

The proposal is to build a single/two storey rear extension and a front porch. The two storey extension would project 5m from the main rear elevation of the dwelling and it would measure 7.3m wide. The two storey section would measure 4.45m wide and the extension closest to the shared boundary with no.4 Cherry Avenue next door would be single storey only with a mono-pitched roof.

The porch to the front would project 1.5m forward of the front elevation and it would measure 2.4m wide. The roof would be pitched.

Relevant Planning History

N/A

Publicity

Neighbours notified on 31/03/2022 and an additional neighbour notified on 19/04/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are

considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The two storey extension would be built to the rear of the existing dwelling and as such would not be readily visible in the public realm. It would be fully visible from the adjacent rear gardens of neighbouring properties but as it would be built with materials and a design that would compliment the existing property there would be no significant detrimental impact on the character of the existing streetscene. The design of the proposal is considered acceptable in this location.

The front porch would be built with materials and a design that would be considered in-keeping with the existing dwelling.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- With regards to the two storey rear extension there would be around 14m from the rear elevation to the rear boundary.
- There would be over 15m from the two storey side elevation to the rear of properties on Walnut Avenue to the north of the site and the only proposed windows to the side elevation would be to 3 bathrooms and an office. As these are considered non-habitable rooms the separation distance of at least 15m would be more than sufficient in terms of SPD 6.
- SPD6 states that there should normally be at least 7m from a first floor habitable room window to a shared boundary in order to retain privacy levels between the properties. In this instance there would be around 6.5m from the proposed first floor rear bedroom window to the rear boundary of 28 Walnut Avenue. A site visit to 28 Walnut Avenue was carried out on 20/05/2022 and photographs were taken of the site from their rear garden. There is a patio area directly to the rear of no.28 Walnut Avenue and the rear garden is quite long. With this in mind any views over this garden, from the proposed bedroom window would be over the rear corner of the garden and not directly towards the property or main entertaining area. With this in mind and that the neighbour has no objections the lesser distance of 6.5m would be acceptable in this instance.
- In terms of the relationship of the two storey rear extension and windows on the rear of 4 Cherry Avenue next door the 45° angle would be slightly compromised. However, given that the extension would be built due north of no.4 and the extension would be around 3m away from the shared boundary any impact on light to the rear of no.4 would be minimal and the two storey section would not appear overbearing given that it would be built away from the shared boundary. With this in mind the two storey extension would be considered acceptable in terms of its potential impact on residential amenity at the rear of no.4 Cherry Avenue.
- The single storey rear extension would project 5m along the shared boundary with no.4. Taking the larger homes scheme in to account, that the attached neighbour has not objected and that the site is positioned north of no.4 the 5m projection would be considered acceptable in this instance.
- The front porch would not be a habitable room and it would be a sufficient distance from neighbouring properties. It would be set back from the front boundary by around 3m. As such it would not have any detrimental impact on residential amenity in this area.

Taking the above in to account the proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of residential amenity.

Parking -

The proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. However, there is no existing on site parking available. The applicant would currently need to park any vehicles on the highway in front. The area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social

DELEGATED REPORT

and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered SHT 1 of 2 and SHT 2 of 2 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 27/05/2022			